SECTION I. PERSONAL STATUS

CHAPTER I. THE FAMILY AND THE CLAN

1. Generalities

596 The family sensu stricto (rugo) (1) is more inclusive than in

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1. The rugo is the enclosure in which are the hut, the granaries, and the stables. By extension, this word designates the family in the strict sense of the word. In the plural: ingo.

our countries. It includes the father; his wives and their children, whether married or not; the father's brothers; and their wives and [567] children. Formerly, the slaves taken in war (abanyagano) (2) were

2. Cf. also Marriage, p. 15; Birth and Filiation, p. 29; Government and Administration, Nationality, p. 70; Social Classes, p. 91; Right of War, p. 92.

also part of it.

[566] The Bahutu, serfs of the Batutsi, have their own rugo. The Ruanda family is of the patriarchal type. Filiation counts in the [611] paternal line (3); the child does not necessarily take the name of his

3. The children are nevertheless considered, in a way, as belonging to both father's family and the mother's. The Banyarwanda say: Umuntu akomoka iwabo wase nanyina, that is to say, "the man proceeds from both (families), his father's and his mother's."

596 591 father (4); paternal authority is exercised by the father, and the wife

4. This was even rare before European penetration.

596 [591] comes and lives with her husband (5). [8]

[575] 5. The polygamous Mututsi does not occupy his own dwelling. He visits in turn each of his wives in their individual dwellings.

597 596 Adopted children are also part of the family. Thus a childless man (inchike) can adopt a son of his brother (umuhungu wachu), failing this, a son of his sister (umwishywa), or that of a friend. A [563] Mututsi cannot adopt a Muhutu child, and vice versa.

[428] As the women cannot inherit, adoption provides a means for a brother to give his sister the benefit of certain advantages, for it has [562] the effect of establishing a nephew as heir (kulaga, lit., to promise his property).

The adopted child acts exactly as if he were the son of his adopted father; he pays homage to the chief for him, he orders his affairs, he defends him in court, etc. The daughters call him brother [586] and if they are divorced they ask him for shelter.

It may also happen that the umwishywa may become at the same time head of his maternal uncle's rugo and chief of the maternal clan (umutware w'umulyango ya nyina).

597 428 The adopted child may keep the inkazibiti (1) received from

1. Cf. Property, Ownership of Cattle, p. 41.

his true father, but may no longer share in the division of the latter's inheritance. It may also happen that he receives his share (indemano) (2)

2. Cf. idem, p. 42.

before going to his adopted father; in this case while being a client (umugaragu) (3) of the latter, he remains also, by the indemano, a

3. The patron is called shebuja.

client of his true father.

If the adopted child is disobedient or ungrateful to his adopted father, the latter may curse him and send him away empty-handed.

614 The clan (umulyango) (4) or inzu includes all those who claim

4. Not to be confused with umúlyango, "door."

a common ancestor who is founder of the [9] race. In the course of time the clan has become divided into several subclans (imilyango).

The clan and the subclan have names (ubgoko) that recall the name of the founder. Thus the members of the umulyango of the Abanyiginya are the descendants of Kimanuka who is the Umunyiginya (the first of the Abanyiginya). Ndabarasa, son of the Mwami Rujugira Chyirima, who became king under the name of Kigeri, was the Umurabarasa, the first of the umulyango of the Abarabarasa or Ibigina. This last name is what they are called at the present time.

614 775 Each umulyango possesses one or several animal totems (ibiziro). For example, the totems of the Abanyiginya are the crested crane (umusambi) and the ox-pecker (inyange); that of the Abega is the toad (igikeri); that of the Abagessera is the wagtail (inyamanza). The member of a clan will never kill such a bird, for example, because he believes that it contains the spirit of an ancestor.

614 563 The Bahutu belong to the same umulyango as the Batutsi and possess the same totems. However, they have a different name. For example, those who live with the Abega and the Abanyiginya are called respectively Abasavere and Abasindi.

2. The Head of the Family and of the Clan

● 596 The head of the family sensu stricto (umutware w'urago rwa se, lit., the head of his father's rugo) is normally the father. After his death, one of his sons, not necessarily the eldest, succeeds him. It may happen that the widow of the family head provisionally directs the rugo if her husband has died without designating his successor or when his sons are still children (1). [10]

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1. While still forming part of her [own] umulyango, the wife is, so to speak, incorporated into her husband's inzu if she has children. But she does not take the name of her husband's umulyango. The

614 wife always remains a stranger to her husband's clan and keeps her own totem.

596 614 The umutware w'urugo rwa se is only slightly important and this word is seldom used. More important is the umutware w'urugo rwa bo (lit., of them), also called umutware w'umulyango, who has command both of his rugo and the umulyango.

614 The umulyango is a social entity without any political value. Thus Rwabutogo, chief of the umulyango of the Abega, owns only the province of East Buganza. In matters of family and cattle he commands Rwagatakara, who in turn commands Rwabusisi, chief of Buliza and South Buganza.

614 689 425 The umutware w'umulyango exercises a paternal jurisdiction over all the members of his group. If they disobey him seriously he can drive them out and seize their cattle (indemano, inkazibiti) except for the animals they have received as a gift from the king (ingabane) (1). However, it is the Mwami who has the right of

1. Cf. Property, Ownership of Cattle, p. 42.

[166] eviction. In addition, if the king sees that an injustice has been committed, he authorizes the one who has been the victim to settle elsewhere so as to remove himself from the jurisdiction of the chief of the umulyango, without however ceasing to belong to the clan. If the Mwami asks the umulundo (2) from the chief of the umulyango,

2. That is to say, lit., "wishes to see the cattle of his cattle." He takes only one or two animals.

the latter can in turn claim some inyiturano (3) from his family. On

3. Cf. Property, Ownership of Cattle, p. 43.

the other hand, the chief of the umulyango can show his favor to those of his relatives with whom he is satisfied by giving them some ingabane.

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184 and in Rukiga (provinces of Mulera and Bugoyi) where the land cleared and cultivated by the Bahutu are subject to a right of family property. This right is sacred and the Batutsi, whose power in these regions is rather nominal, know that they cannot dispute it without exposing themselves to serious miscalculations and even to bloody reprisals.

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[622] The hill chief also has the right to take a plot of land (ubugerure) from the Bahutu in order to form an ubuka which he wishes
[425] to give to someone else or to keep as his own property (imilima y'inyarulembo). The part of the plot that is left to the Muhutu is called isagu.

[428] The Muhutu can transmit his right of exploitation to his son by inheritance. Land that passes from one generation to the next is called indeka.

[596] Land is sometimes held collectively by a family in the person of its head (isambu or ingobyi y'iwabo). Members of the family pay him no rent and, to the exclusion of strangers, have the right to cut firewood and graze their cattle there.

[672] There are also communal woods (itshanya). The hill chief reserves part of them for himself and allows the hill people to exploit the remainder.

[563] The Batwa claim to be the legitimate occupants of the forests. For this reason they often enter into disputes with the Bahutu living near the wooded regions.

[622] Mines and quarries of clay are the property of the chief, but he allows his people to [43] supply themselves there in exchange for a payment (a hoe or some pots).

The boundaries (imbibi) of fields are usually marked by small ditches (impavu) or piles of stones (ibishyinga).

There are no neutral zones between lands.

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423 An inkungu is a piece of ground that has been abandoned because of the holder's voluntary departure or death without leaving an heir. A man who has been cursed by his father or driven out by the chief because of repeated thefts of cattle, for example, must also abandon his plot. The chief can offer an inkungu (or an ubugerure) to a stranger to the hill who asks to settle there. If he is a Muhutu, he is

SECTION III. INHERITANCE

1. Basis of the Law of Inheritance

428 The principles regulating the laws of inheritance are:

1) Wives and daughters are excluded from inheritance for they can neither bequeath nor inherit valuables.

2) In principle, the inheritance remains in the male paternal line (2);

> 2. A boy may also inherit from his mother's family but only if the deceased, a relative of his mother, has expressed his wish before dying and also, of course, if he has no natural heirs. It may also happen that a stranger inherits from the deceased, if the latter has no heirs.

3) The new head of the family is normally, but not necessarily, the eldest of the sons, with no distinction made between mothers.

2. Designation of the New Head of the Family

[765] 596 428 The period of mourning (kwirabura, lit., to become black) and the purification ceremonies (kwera, lit., to become white) being over, that is, two months after the death (3), the [61] designation of the new head

> 3. The time is reduced to a few days if the couple have not had any children.

of the family (umutware w'urugo rwa se, lit., the head of his father's rugo) takes place.

If the father has died without having been able to make his wishes known, this choice is made by the chief of the umulyango who asks beforehand the advice of the elders. It matters little whether the sons are of different mothers (polygyny, or successive marriages), whether they are legitimate, born of a concubine, or adulterine. Only the qualities required of a future head of the family are taken into consideration.

[763] Usually, feeling his end to be near, the father calls the chief
59% of the umulyango and two friends. He dictates to them his last wishes.
428 The wives of a polygamous man do not hesitate to intrigue in favor of their sons and attempt to circumvent their husband -- or even his brother -- using both their charms and their most subtle arguments. The situation is the same in the case of successive marriages.

It is easily understood that often the other sons, especially if they are of different mothers, feel themselves wronged, rightly or wrongly.
[691] But they are given the opportunity of demanding justice from the Mwami, the provincial chief, or the hill chief, according to whether they are sons of umutware w'intebe, of igisonga, or simple Batutsi or Bahutu. These authorities will ratify the choice made by the father or the uncle, or else will decide what other young man will succeed his father.

If there is no male descendant, the high position of head of the family falls on the oldest brother of the deceased. In this case, the heir will be both head of his rugo and of his brother's.

[614] He may also be, at the same time, chief of the umulyango, that is to say, of the clan. This is the umutware w'umulyango (or the umutware rwa bo).

If all the brothers have disappeared, their sons inherit by right of primogeniture. [62]

If the deceased has neither sons, nor brothers, nor nephews in his line, his father will succeed him, or in his absence, the father's brother or one of his male descendants by right of primogeniture.

The Bahutu and the Batwa have their own umutware w'urugo. But they are dependent on the same umulyango chief as the Batutsi.

3. Composition of the Inheritance

428 In addition to the high position of head of the family, the inheritance includes:

1) The heavy cattle
2) The clients (abagaragu)
3) Particularly among the Bahutu, the goats and sheep
4) Landed property (1)
5) Movables, personal property (1)

1. Cf. Property, Property in General, p. 34.